

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2676 OF 2015

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ORDER:

The petitioner filed the present Criminal Revision Case being aggrieved over the order dated 18.08.2015 passed in M.C.No.258 of 2010 by the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad.

Heard and perused the material available on record.

By the impugned order, the trial Court directed the petitioner herein to pay a sum of Rs.7,500/- to his wife and Rs.6,000/- to his son per month towards maintenance, who are respondents 1 and 2 herein. The main contention of the learned counsel for the petitioner is that as per the provisions under Sections 5 & 7 of the Muslim Women (Protection of Rights on Divorce) Act, 1986, any application filed under Sections 125 and 127 Cr.P.C. should be disposed of in the manner provided in the said Act. However, the learned counsel for the petitioner fairly contended that the said point was not raised before the trial Court.

Considering the above, the impugned order is set aside and the matter is remitted to the trial Court. The trial Court is directed to restore M.C.No.258 of 2010 and hear the parties afresh and dispose of the same in accordance with law.

Accordingly, the revision is disposed of. Consequently, pending miscellaneous petitions, if any, shall stand closed.

RAJA ELANGO, J

December 04, 2015

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